

CGB-CC-0272

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Life Church

www.lifechurch.net

December 28, 2005

Office of the Secretary
Federal Communications Commission
Attention: CGB Room 3-B431
445 12th Street SW
Washington, DC 20554

Petition for Exemption from Closed Captioning Requirements

New Covenant Fellowship Ministries Inc. dba Life Church was founded in 1986 and is located in Lee County Florida. Our mission is to equip passionate believers of every generation to minister with a spirit of excellence, impacting our region and the world.

The TV broadcast *Life the Way it Ought to Be!* is produced by New Covenant Fellowship Ministries Inc. dba Life Church in an effort to allow residents of Southwest Florida to view the Sunday morning message in their home. *Life the Way it Ought to Be!* consist of both music and sermons from a recent church service. This program is viewed by those people who for some reason can not physically be able to attend the Life Church sanctuary during service times.

Each episode of *Life the Way it Ought to Be!* is 30 minutes, airs once a week at 6 am Sunday mornings on WEVU and is viewed by residents of Southwest Florida. The program is recorded by church member volunteers on Sunday mornings and then edited for broadcast by the media staff and volunteers of Life Church during the week.

For the reasons set forth below, New Covenant Fellowship Ministries Inc. dba Life Church hereby request an undue burden exemption from the closed captioning rules for *Life the Way it Ought to Be!*, pursuant to § 79.1(f) of the Commission's rules.

Nature and Cost of Closed Captions

The captioning process will add from \$275 to \$400 to the cost per weekly episode plus the additional time required to have a third party complete the task. We have asked WEVU for assistance in becoming closed captioned on January 1, 2006 and they have offered to allow us to use their contracted real time captioning service at a cost of \$150 per episode for the time being until we can come up with a permanent solution if needed.

Impact on Operation of the Program Provider

Life the Way it Ought to Be! is produced for a total cost of \$6,600.00 each year with a per week broadcast cost of \$126.92.

Tape Stock	\$ 100.00
Air time on WEVU Sunday 6am (\$125.00x52 weeks)	\$ 6,500.00

The additional cost of closed captioning will be \$150.00 per week bringing our per week broadcast cost to \$276.92 which is an immediate increase of 218%. At the end of the WEVU grace period the cost will have risen 316% to \$401.92. The extra cost associated with producing and airing in closed caption on WEVU will cause us to withdraw from air or at the very least air the program in the hours between 12am – 6am if WEVU has the time slot available.

Financial Resources of the Program Provider

New Covenant Fellowship Inc. dba Life Church has tax-exempt status and currently receives 100% of its income from donations in the form of offerings.

In 2004 New Covenant Fellowship Inc. dba Life Church received \$1,360,768.00 in total income. The expenditures for New Covenant Fellowship Inc. are included in the financial statement that is attached.

There is 0% income derived from the TV show *Life the Way it Ought to Be!* and none is asked for.

As stated earlier WEVU has agreed to offer temporary assistance in becoming closed captioned on January 1, 2006 by allowing us to use their contracted real time captioning service at a cost of \$150.00 per episode until we can come up with a permanent solution, if needed.

Type of Operation of the Program Provider

New Covenant Fellowship Inc., dba Life Church operates solely as a non-profit religious institution, whose purpose is to influence the lives of its members and attendees with Spiritual guidance through a church.

Other Factors

Petitioner believes that the local, non-news exemption to the closed captioning rules also applies to *Life the Way it Ought to Be!*¹ As noted above, the program is produced and distributed locally, and the sermons of New Covenant Fellowship Inc. dba Life Church are of primarily local interest. The episodes are not news, they do not have repeat value, and the electronic newsroom technique is not available. Notwithstanding the applicability of the exemption, we have filed this petition in an abundance of caution and for the purpose of establishing certainty.

¹ This exemption is self-implementing, and therefore Petitioner notes its applicability without expecting or requesting FCC action on it.

Conclusion

As shown by this Petition and its attachments, the Commission should grant a waiver of the closed captioning requirements in this case, because requiring closed captioning would create an undue burden.

The cost of captioning would be excessively high and would have a significant impact on the Petitioner's operations. The Petitioner's type of operations and financial resources are different in kind and magnitude from a mainstream programming provider. Because of the significant difficulty and expense of providing close captions, a waiver under § 79.1(f) is warranted. If more information is needed, please contact me at the address provided below.

Respectfully submitted,
New Covenant Fellowship Inc. dba Life Church



Pastor Ryan Deaton
11735 Plantation Road
Fort Myers, FL 33912
239-939-5433 (Ph)
239-939-9016 (Fax)

Rates

How Much Will It Cost

For creating the captions, we have an unbelievable rate of...

Roll-Up: \$3.00 per Minute
Pop-Up: \$4.00 per Minute

Sample rates for above:

Duration 30 minutes for Roll-Up captioning:

Roll-Up

Transcription	\$ 60.00
Cost of creating a captioning file (bulk of the work)	\$ 90.00
Encoding	\$125.00
Total:	\$275.00

Pop-Up

Transcription	\$ 60.00
30 minutes of pop-up captioning \$4.00 per minute	\$120.00
Encoding	\$125.00
Total:	\$305.00

If you are set up for encoding yourself then we will only charge you the cost of creating the caption file.

Important:

With closed captioning, time is of the essence. We encourage you to involve us with the project in the early stages of production. When you reach your final cut, please send us a vhs copy with a VITC or an LTC time code. We'd like to get started on the close caption right away. We want the changes that will happen between the final cut and the master. We'll incorporate those to the closed captions without any extra cost as long as you let us know what and where they are (unless you completely overhaul the program in a major way). Our costs with captioning are heavily dependent on the turnaround time.

Transcription
and Video Description
rates

Subtitling
rates



Hampton Roads Captioning

Yorktown, Virginia · Phone: (757)
659-0347

E-Mail: info@hrcaptioning.com

*Providing Captioning and Subtitling
Services*

[Home](#)

Pricing

[Who Will
Benefit?](#)

Set-up Fee of \$150.00 (*per program*)

[FCC](#)

[Regulations](#)

Open or Closed Captioning

- Roll-up captioning & subtitling - \$5 per minute
- Pop-up captioning & subtitling - \$7 per minute

[Small
Business
Tax Credit](#)

*Scripting

- English - \$3 per minute
- Spanish - \$15 per minute

[Pricing](#)

[Contact Us](#)

*this fee can be eliminated if the customer provides a verbatim script in a word or text document (*including sound effects*).

002 LIFE CHURCH-NCF MINISTRIES, INC.
Fiscal Year Beginning 1/1/2004
Balance Sheet for Period 13 - December 31, 2004(*)
Formatted Balance Sheet - All Funds

	<u>Current Year</u>	<u>Prior Year</u>
CURRENT ASSETS		
ASSETS		
CASH		
Cash-In-Checking (All funds)	34,959.22	26,503.52
Petty Cash-On-Hand	250.00	200.00
Cash-In-Savings (All Funds)	64,484.99	68,030.39
Foreign Cash-On-Hand	156.59	105.12
TOTAL CASH	99,850.80	94,839.03
INVENTORY		
Inventory	4,329.17	3,334.09
TOTAL INVENTORY	4,329.17	3,334.09
OTHER CURRENT ASSETS		
Cash-In-Morgan Stanley	16,064.37	2,315.04
TOTAL OTHER CURRENT ASSETS	16,064.37	2,315.04
TOTAL CURRENT ASSETS	120,244.34	100,488.16
FIXED ASSETS		
Furniture and equipment	420,527.31	420,527.31
Land and Buildings	1,303,679.36	1,303,679.36
Property	598,430.61	598,430.61
Vehicles	50,771.25	50,771.25
Accumulated Depreciation	-936,611.38	-856,206.38
NET FIXED ASSETS	1,436,797.15	1,517,202.15
TOTAL ASSETS	1,557,041.49	1,617,690.31
LIABILITIES		
CURRENT LIABILITIES		
Retirement Plan Payable	3.60	.00
FICA Payable	2,900.21	3,045.10
Withholding Payable	1,801.08	1,883.76
TOTAL CURRENT LIABILITIES	4,704.89	4,928.86
NOTES PAYABLE		
Vehicles	15,463.42	20,004.34
Land and Buildings	776,050.00	776,050.00
TOTAL NOTES PAYABLE	791,513.42	796,054.34

002 LIFE CHURCH-NCF MINISTRIES, INC.
Fiscal Year Beginning 1/1/2004
Balance Sheet for Period 13 - December 31, 2004(*)
Formatted Balance Sheet - All Funds

	<u>Current Year</u>	<u>Prior Year</u>
Deferred Revenue - General Fund	2,844.17	5,873.23
Deferred Revenue - World Ministries	807.00	2,070.57
Deferred Revenue - Building Fund	55,073.94	98,826.31
<i>Deferred Revenue - LICT</i>	<i>2,916.21</i>	<i>4,491.98</i>
Deferred Revenue - Family Ministries	3,095.92	.00
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TOTAL LIABILITIES	856,250.66	907,316.43
 EQUITY		
Retained Earnings	705,445.02	776,793.76
Retained Earnings-Current Year	-9,359.08	-71,348.74
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Retained Earnings-Total	696,085.94	705,445.02
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TOTAL EQUITY	696,085.94	705,445.02
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TOTAL LIABILITIES & EQU	1,557,041.49	1,617,690.31
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002 LIFE CHURCH-NCF MINISTRIES, INC.
Fiscal Year Beginning 1/1/2004
Balance Sheet for Period 13 - December 31, 2004(*)
Formatted Income Statement - All Funds

	<u>Current Year</u>	<u>Prior Year</u>
REVENUES		
CONTRIBUTIONS INCOME		
General Fund	805,742.48	679,587.46
World Ministry	262,858.59	206,986.41
Building Fund	209,088.92	134,838.12
LICT	21,175.93	21,692.07
Media	8,200.83	9,185.95
Compassion Fund	21,359.97	18,878.29
Family Ministries	32,341.47	36,749.11
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TOTAL CONTRIBUTIONS INCOME	1,360,768.19	1,107,917.41
OTHER INCOME		
Interest Income	787.20	548.76
Refunds & Reimbursements	2,217.03	3,569.41
Other Income	2,646.39	3,289.41
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TOTAL OTHER INCOME	5,650.62	7,407.58
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TOTAL INCOME - ALL FUNDS	1,366,418.81	1,115,324.99
EXPENDITURES		
GENERAL FUND EXPENDITURES		
Pastoral Staff	-190,236.35	-211,175.52
Evangelism	-67,543.18	-66,054.45
Operations	-22,383.69	-29,083.00
Personnel	-227,354.00	-194,456.29
Purchased Services	-109,642.03	-105,103.82
Public Relations/Advertising	-7,851.95	-7,752.11
Capital Outlay	-40,408.41	.00
Other expenditures	-2,693.65	-6,435.62
Interest Expense	-38,344.36	-39,615.52
Debt Service	-26,700.00	.00
Depreciation Expense	-80,405.00	-87,344.98
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TOTAL GENERAL FUND	-813,562.62	-747,021.31
OTHER FUND EXPENDITURES		
World Ministries	-260,515.71	-210,405.30
Building Fund	-209,088.92	-134,838.12
LICT	-21,785.01	-24,827.02
Media	-10,237.91	-8,583.02
Compassion Fund	-21,765.02	-18,878.29
Family Ministries	-38,822.70	-42,120.67
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TOTAL OTHER FUND EXPENDITURES	-562,215.27	-439,652.42
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TOTAL -ALL FUNDS	-1,375,777.89	-1,186,673.73
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TOTAL REVENUES OVER EXP	-9,359.08	-71,348.74
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